

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | | |
|----|-------------------------------|---|--------------------|
| 1 | UNITED STATES OF AMERICA |) | Case No. 23 CR 546 |
| 2 | |) | |
| 3 | v. |) | |
| 4 | |) | |
| 5 | ANTHONY MONTGOMERY-WILSON, |) | |
| 6 | also known as "A.J." and |) | |
| 7 | "Mike City A.J.," and PRESTON |) | |
| 8 | POWELL, also known as |) | |
| 9 | "Marley," |) | Chicago, Illinois |
| 10 | |) | February 10, 2025 |
| 11 | Defendants. |) | 10:34 a.m. |

TRANSCRIPT OF PROCEEDINGS - STATUS HEARING
BEFORE THE HONORABLE THOMAS M. DURKIN

APPEARANCES:

| | | |
|----|---------------------|-------------------------------------|
| 12 | For the Government: | MR. MORRIS O. PASQUAL |
| 13 | | ACTING UNITED STATES ATTORNEY |
| 14 | | BY: MR. JARED C. JODREY |
| 15 | | Assistant United States Attorney |
| 16 | | 219 S. Dearborn Street, 5th Floor |
| 17 | | Chicago, Illinois 60604 |
| 18 | For Defendant | KEITH A. SPIELFOGEL LAW OFFICES |
| 19 | Montgomery-Wilson: | BY: MR. KEITH A. SPIELFOGEL |
| 20 | | 190 S. LaSalle Street, Suite 520 |
| 21 | | Chicago, Illinois 60603 |
| 22 | For Defendant | BLAINE & VANZANT, LLP |
| 23 | Powell: | BY: MS. HOLLY N. BLAINE |
| 24 | | 922 Davis Street |
| 25 | | Evanston, Illinois 60202 |
| 26 | Court Reporter: | ELIA E. CARRIÓN, CSR, RPR, CRR, CRC |
| 27 | | Official Court Reporter |
| 28 | | United States District Court |
| 29 | | 219 S. Dearborn Street, Room 1432 |
| 30 | | Chicago, Illinois 60604 |
| 31 | | 312.408.7782 |
| 32 | | Elia_Carrion@ilnd.uscourts.gov |

* * * * *

PROCEEDINGS REPORTED BY STENOTYPE
TRANSCRIPT PRODUCED USING COMPUTER-AIDED TRANSCRIPTION

1 (Proceedings heard in open court; defendants present:)

2 THE CLERK: All right. This is Case No. 23 CR 546,
3 United States v. Anthony Montgomery-Wilson and Preston Powell.

4 May I please ask the attorney present on behalf of the
5 United States to state their name.

6 MR. JODREY: Good morning. Jared Jodrey on behalf of
7 the United States.

8 THE CLERK: And on behalf of --

9 MR. SPIELFOGEL: And -- I'm sorry.

10 THE CLERK: On behalf of Mr. Montgomery-Wilson.

11 MR. SPIELFOGEL: Keith Spielfogel on behalf of
12 Mr. Wilson.

13 THE CLERK: And on behalf of Mr. Powell.

14 MS. BLAINE: Holly Blaine on behalf of Mr. Powell.

15 THE COURT: All right. Good morning.

16 We have a trial set in this case on October 14th.
17 Some events have occurred in cases I have that have to be
18 retried, potentially. One is on October 27th, *U.S. v. Spann*,
19 which would interfere with the October 14th trial date. I have
20 another case potentially starting August 25th, *U.S. v. Lee*.
21 There's a pending motion for a new trial in that case. The
22 Spann case will be retried. The government conceded that he's
23 entitled to a new trial.

24 That interferes with our October 14th trial date. I
25 can move you up to earlier August to try what is expected to be

1 a two-week case.

2 I think, Emily, the dates we suggested were August --

3 THE CLERK: It was the weeks of -- it would be
4 beginning August 4th and then going through August 15th.

5 THE COURT: All right. So we can move it up to
6 August 4th, which may not be possible given the need for trial
7 preparation and the schedule of defense attorneys, but I
8 understand the government's available if we try it then.

9 MR. JODREY: We are.

10 THE COURT: Okay. The alternative is to keep the
11 October 14th trial date and find a different judge who could
12 try it. I -- there's no -- no right to a judge -- any
13 particular judge in a criminal case, other than it be a
14 district court judge, and I'm confident I can find another
15 judge in this district or another district to try the case
16 October 14th if it's still your intent to go forward then.

17 Have you had time to talk to your clients about either
18 moving the date up or my seeking another judge on October 14th
19 or ultimately trying it, what will have to be next year because
20 I can't -- there's no time, given these other trials, for me to
21 try it this year.

22 Have you spoken to your clients about these
23 possibilities or do you need more time to talk about that?

24 MR. SPIELF0GEL: Your Honor, we'd like another period
25 to just speak to our client about exactly what to do here.

1 So -- so we spoke before entering court and we're wondering if
2 the Court would be in favor of or would agree to a 30-day
3 continuance for us to formalize exactly -- may -- maybe we'll
4 know more about the progress on the death penalty review that's
5 going on in -- in the Department of Justice, and we'd also know
6 more about our position as to when we would be -- what our
7 preference would be for trial.

8 THE COURT: All right. And Ms. Blaine?

9 MS. BLAINE: Yes, we're in agreement with that 30-day
10 continuance to -- to see if we can get some more information at
11 this point.

12 THE COURT: All right. How's the government on that?

13 MR. JODREY: That's fine.

14 THE COURT: Okay. Emily, a date in 30 days.

15 THE CLERK: Would this be for another in-person
16 hearing, as opposed to telephone?

17 MS. BLAINE: Yes, please.

18 THE CLERK: Would March 6 be enough time?

19 MS. BLAINE: I will be on trial in front of
20 Judge Seeger that week, but we could do the following week.

21 THE CLERK: Judge Durkin is going to be on trial that
22 following week.

23 THE COURT: It may be -- well, we could --

24 THE CLERK: Unless you wanted to do it during a lunch
25 break.

1 THE COURT: Yeah, maybe we can do it over the lunch
2 hour. I've got a civil trial going on, so...

3 THE CLERK: All right. We could do, then, March 11th
4 at 12:30.

5 MR. SPIELF0GEL: That's fine with Montgomery.

6 MS. BLAINE: That works for me as well. Thank you.

7 MR. JODREY: That works for the government.

8 THE COURT: All right. That'll -- with the defendants
9 appearing.

10 And you mentioned the death penalty review. Do you
11 know what's going on with that?

12 MR. SPIELF0GEL: No. All I know is the memo that came
13 out of DOJ that they have 120 days to review. And my
14 understanding is that they're not even getting any more
15 information from the local U.S. Attorney's Office, but if
16 they're going to change their decision on a no-seek, that would
17 happen within 120 days. If I'm not accurate on that, I'm sure
18 the government will let you know.

19 MR. JODREY: No, that's accurate. We -- we received a
20 memo. I believe they've seen the memo as well. That's the
21 only information that -- that we have right now.

22 THE COURT: Could you send my courtroom deputy that
23 memo?

24 MR. JODREY: Will do.

25 THE COURT: I would like to see it. Yeah, I've seen

1 something similar where the government's required to seek the
2 charge that has the highest available penalty. I don't know if
3 it's embedded in that --

4 MR. JODREY: No, it's a separate memo that concerns
5 reevaluating death penalty-related decisions.

6 THE COURT: Okay. Yeah, if you could send that to my
7 courtroom deputy.

8 MR. JODREY: Will do.

9 THE COURT: But we have a date set in 30 days. I'll
10 keep the trial date. And I think time's been excluded through
11 October 14th. Is that correct?

12 MR. JODREY: That's correct.

13 THE COURT: All right. So we'll keep the trial date
14 for now, understanding we may revisit that when you come back
15 in 30 days.

16 MR. SPIELFOGEL: Thank you, Your Honor.

17 THE COURT: All right. Thank you all.

18 MS. BLAINE: Thank you, Your Honor.

19 (Concluded at 10:39 a.m.)

20 * * * * *

21 I certify that the foregoing is a correct transcript of
22 the record of proceedings in the above-entitled matter.

23

24 /s/ Elia E. Carrión

30th of May, 2025

25 Elia E. Carrión, CSR, RPR, CRR, CRC
Official Court Reporter